This Page is Inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,607	04/05/2001	Sanjay Pujare	OMNI0005	4038

			EXAMINER
20995	7590	10/06/2004	SHIN, KYUNG H

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 April 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>05 April 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/03</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responding to application papers dated 4/5/2001

2.   Claims **1-39** are pending. Independent claims are **1, 14 and 27**.

Claim Rejections – 35 USC § 102

3.   The following is a quotation of appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent granted
> on an application for patent by another filed in the United Stated before the invention by the applicant for
> patent, except that an international application filed under the treaty defined in section 351(a) shall have
> the effects for purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article 21(2) of such
> treaty in the English language.

4.   **Claims 1-8, 13-21, 26-34 and 39** are rejected under 35 U.S.C. 102(e) as being

unpatentable over **Cheng et al.** (US Patent No. 6,457,076: System and method for

modifyinig software residing on a client computer that has access to a network, Filed on

Sep. 13, 2000).

Regarding Claims 1, 14, 27, Cheng discloses a process, apparatus, method for

converting a conventionally coded computer application program into a data set suitable

for streamed delivery across a network from a server and concurrent execution on a

client in a computer environment, comprising the steps of:

providing installation monitoring means for monitoring the installation process of said conventionally coded application program on a local computer system; (see col. 8, lines 62-66)

wherein said installation monitoring means monitors the modifications that said installation process makes to the system registry of said local computer system and records the system modification data; (see col. 9, lines 6-10 where tracks changes made to registry (reference's configuration) data.)

wherein said installation monitoring means monitors and records any file modifications made by said installation process; (see Fig.11; col. 9, lines 10-16, where records (reference's archives) changes made)

sorting said system modification data and said file modification data and removing duplicate entries; (see col. 9, lines 33-38 where GUI for list of updates and ability to delete entries even a duplicate entry)

parameterizing all of said local computer system's specific registry keys, value names, and values in said system modification data and said file modification data; (see col. 14, lines 8-15; col. 14, lines 38-41 where registry (i.e. configuration) keys in modification data) and

providing data set creation means for processing said parameterized system modification data and said parameterized file modification data to create a data set suitable for streaming over said network. (see col. 15, lines 15-23)

Regarding Claims 2, 15, 28, Cheng discloses the process, apparatus, method of claim

1, wherein said data set creation means creates a runtime data set, said runtime data

set consists of all regular application files and directories containing information about

said regular application files. (see col. 10, lines 55-59)

Regarding Claims 3, 16, 29, Cheng discloses the process, apparatus, method of claim

2, wherein said data set creation means creates an initialization data set that is the first

set of data streamed from said server to said client, said initialization data set prepares

said client for streaming of said runtime data set. (see col. 15, lines 21-24; col. 15, lines

32-36)

Regarding Claims 4, 17, 30, Cheng discloses the process, apparatus, method of claim

2, wherein said directories contain lists of file names, file numbers, and the metadata

associated with the files in a particular directory. (see col. 3, lines 19-25)

Regarding Claims 5, 18, 31, Cheng discloses the process, apparatus, method of claim

1, wherein said data set creation means creates a versioning table that contains a list of

root file numbers and version numbers for tracking application patches and upgrades,

and wherein each entry in said versioning table corresponds to one patch level of an

application with a corresponding new root directory. (see col. 10, lines 26-32)

Regarding Claims 6, 19, 32, Cheng discloses the process, apparatus, method of claim

5, wherein said versioning table is sent to said client by said server, said client

compares said versioning table with said client's root file number for the particular

application program to find the necessary files required for a software upgrade or patch.

(see col. 3, lines 53-59 where it determines files required for installation.)

Regarding Claims 7, 20, 33, Cheng discloses the process, apparatus, method of claim

1, further comprising the step of: providing a user interface that allows an operator to

examine all changes made to said local computer system during said installation

process and to edit said system modification data and said file modification data. (see

col. 9, lines 32-42 where GUI to examine installation data)

Regarding Claims 8, 21, 34, Cheng discloses the process, apparatus, method of claim

1, wherein said installation monitoring means monitors said application program as it

runs and is being configured for a particular working environment on said local

computer system and records common configurations of said application program

thereby allowing said common configurations to be automatically duplicated on other

client machines. (see col. 10, lines 55-59; Application configuration data and installation

files is downloaded; setup can be duplicated on multiple machines)

Regarding Claims 13, 26, 39, Cheng discloses the process, apparatus, method of

claim 1, wherein said installation monitoring means records the state of said local

computer system before said installation process begins to give a more accurate picture

of any modifications that are observed by said installation monitoring means. (see col.

3, lines 53-54: System state is saved before installation process)

Claim Rejection – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office Action

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

6. **Claims 9-11, 22-24, 35, 36 and 37**are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Cheng et al. (US Patent No. 6,457,076) in view of Eylon et al. (US**

Patent No. 6,574,618: Method and system for executing network streamed

application).

Cheng discloses an application installation apparatus which monitors the

installation process, logs installation modifications and events, and saves the system's

initial state before installation. (see Cheng col. 15, lines 37-41: *"Installation 212 is*

monitored by the install monitor.... The install monitor 910 documents the state of the

client computer 101 prior to installation and the changes made during the installation of

a software update.")

Regarding Claims 9, 22, 35, Cheng does not disclose the process program profile by

capturing a sequence of file blocks. However, Eylon discloses the process, apparatus,

method of claim 1, further comprising the step of: program profiling means for capturing

the sequence of file blocks being accessed during normal execution of said application

program. (see col. 4, lines 37-42:   Profile an application program for later optimization

of processing)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Cheng to profile a program by capturing and analyzing a

sequence of file blocks during execution as taught by Eylon.   One of ordinary skill in the

art would be motivated to employ the invention of Eylon in order to improve and

enhance the techniques used in the installation and monitoring of application

installations over a network environment. (see Eylon col. 3, lines 3-4: *"…an improved*

technique of delivering applications to a client for local execution has been developed.")

Regarding Claims 10, 23, 36, Cheng does not disclose process where the pre-

captured block are used for cache purposes.   However, Eylon discloses the process,

apparatus, method of claim 9, wherein said sequence of file blocks is used to pre-cache

frequently used blocks on said client before said application program is first used by a

user. (see col. 4, lines 42-50: Load blocks into cache)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Cheng to cache frequently used data blocks as taught by

Eylon. One of ordinary skill in the art would be motivated to employ the invention of

Eylon in order to enhance the application installation and monitoring capabilities in a

network. (see Eylon col. 3, lines 3-4: *"…an improved technique of delivering*

applications to a client for local execution has been developed.")

Regarding Claims 11, 24, 37, Cheng does not disclose process where the pre-
captured block are used to optimize for faster file access with large directories.

However, Eylon discloses the process, apparatus, method of claim 9, wherein said

sequence of file blocks is used to optimize large directories of files on said client for

faster file accesses. (see col. 3, lines 52-56: Pre-load data to optimize file access.)

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Cheng reduce time required for file access from large directories as

taught by Eylon.   One of ordinary skill in the art would be motivated to modify Cheng to

employ the invention of Eylon in order to improve the techniques for the installation of

applications over a network environment. (see Eylon col. 3, lines 3-4: *"...an improved*

technique of delivering applications to a client for local execution has been developed.")

Regarding Claims 12, 25, 38, Cheng does not disclose process where the pre-fetched

block are acquired based on user input.   However, Eylon discloses the process,

apparatus, method of claim 9, wherein said sequence of file blocks is tied to specific

user input and wherein said client pre-fetches file blocks based on user input to said

application program. (see col. 5, line 65 - col. 6, line 3:   Pre-loads file blocks)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Cheng pre-fetch application file blocks based on user

input as taught by Eylon.   One of ordinary skill in the art would be motivated to modify

Cheng to employ the invention of Eylon in order to enhance the techniques for the installation of applications over a network. (see Eylon col. 3, lines 3-4: *"...an improved technique of delivering applications to a client for local execution has been developed."*)
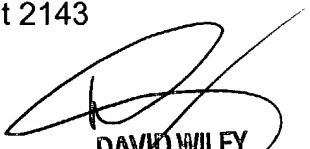
Contact Information

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 703-305-0711. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS

Kyung H Shin
Patent Examiner
Art Unit 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

KHS
Sep. 22, 2004